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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

UNITED STATES OF AMERICA

v.

PIROUZ SEDAGHATY, et al.,

Defendants.

CR 05-60008-HO

**GOVERNMENT'S RESPONSE TO
DEFENDANT'S MOTION FOR
MODIFICATION OF COURT ORDER
OF MAY 16, 2008**

The defendant has moved for a modification of the Court's order of May 16, 2008, prohibiting access to and discussion of the "sealed document" previously turned over by the defense to the custody of the court (CR 135). After further consultation with the Department of Justice, the undersigned counsel for the government recommend that the defense motion to modify the order be denied. There has been no material change in circumstances to warrant such a modification. The defendant previously filed an *ex parte, in camera* pleading outlining his

theory of the defense with the Court in connection with the Court's review of the government's classified filings. Although undersigned counsel are not privy to the contents of the defendant's "sealed document" or his sealed theory of the defense, absent a finding by the Court that the "sealed document" is discoverable or otherwise material to the defense of the criminal case, the document and its contents should not be at issue in this matter. Therefore, there is no need for defense access to or discussion about the "sealed document."

Dated this 21st day of May 2009.

KARIN J. IMMERGUT
United States Attorney

s/ Charles F. Gorder, Jr.
CHARLES F. GORDER, JR.
Assistant United States Attorney

s/ Christopher L. Cardani
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